

REDACTED – PUBLIC VERSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,**

Plaintiffs

vs.

TEVA PHARMACEUTICALS USA, INC.

Defendant.

Civil Action No. 05-197 (GMS)

FILED UNDER SEAL

**DECLARATION OF KAREN E. KELLER
IN SUPPORT OF TEVA'S MOTION IN LIMINE NO. 1
TO EXCLUDE EVIDENCE AND TESTIMONY ON COMMERCIAL SUCCESS**

I, Karen E. Keller, declare as follows:

I am admitted to this Court and am an associate with the law firm of Young Conaway Stargatt & Taylor, LLP, counsel of record for Defendant Teva Pharmaceuticals USA, Inc. in this action.

1. Attached hereto as Exhibit A is a true and correct copy of excerpts of plaintiff GlaxoSmithKline's ("GSK") June 29, 2006 Second Supplemental Responses to Teva's First Set of Interrogatories.

2. Attached hereto as Exhibit B is a true and correct copy of excerpts of GSK's October 3, 2005 Response to Teva's First Request for Production of Documents.

3. Attached hereto as Exhibit C is a true and correct copy of GSK's April 27, 2006 Objections to Teva's Second Request for Production of Documents.

4. Attached hereto as Exhibit D is a true and correct copy of excerpts of GSK's May 2, 2006 Objections to Teva's Rule 30(b)(6) Notice of Deposition.

5. Attached hereto as Exhibit E is a true and correct copy of excerpts of the June 29, 2006 Rule 30(b)(6) deposition of Kevin Reeves.

6. Attached hereto as Exhibit F is a true and correct copy of excerpts of the September 22, 2006 Expert Report of Christopher Vellturo, Ph.D.

7. Attached hereto as Exhibit G is a true and correct copy of *Chamberlin v. City of Albuquerque*, 2005 WL 2313515 (D.N.M. July 31, 2005).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Wilmington, DE.

Dated: October 23, 2006

Respectfully submitted,

/s/ Karen E. Keller
Karen E. Keller

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on October 30, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Patricia Smink Rogowski, Esquire
Connolly, Bove, Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801

I further certify that on October 30, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and the following non-registered participant in the manner indicated:

BY E-MAIL ON OCTOBER 30, 2006 AND
BY FEDERAL EXPRESS ON OCTOBER 31, 2006

William F. Lee, Esquire
Wilmer, Cutler, Pickering, Hale and Dorr LLP
60 State Street
Boston, MA 02109

Michael E. Gordon, Esquire
Wilmer, Cutler, Pickering, Hale and Dorr LLP
1875 Pennsylvania Avenue, N.W.
Washington, DC 20006

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Karen E. Keller

Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kkeller@ycst.com

Attorneys for Teva Pharmaceuticals U.S.A., Inc.